

**STATE OF MICHIGAN
IN THE PROBATE COURT FOR THE COUNTY OF OAKLAND**

IN RE:

Estate of Aretha Franklin,

Decedent.

Case No. 2018-384527-DE

Hon. Jennifer S. Callaghan

***Petition for Instructions on Validity and
Admission of a Purported Holographic Wills
and Dispositive Provisions***

Craig A. Smith (MO Bar #27330)
Attorney for Edward Franklin
141 N. Meramec, Suite 201
St. Louis, MO 63105
Telephone: (314) 884-6080
Email: csmith@craigsmithlaw.net

David J. Bennett (P10690)
THAV GROSS PC
Attorneys for Personal Representative
30150 Telegraph Road, Suite 444
Bingham Farms, MI 48025
Telephone: (248) 645-1700
Facsimile: (248) 645-8205
Email: dbennett@thavgross.com

Lisa Dwyer (P47961)
LAW OFFICE OF LISA DWYER PC
Attorney for Edward Franklin
400 Monroe Street, Suite 280
Detroit, MI 48226
Telephone: (313) 962-0000
Email: dwyer1247@aol.com

Kevin M. Check (P39943)
KEVIN M. CHECK, P.C.
Co-Counsel for Personal Representative
30150 Telegraph Road, Suite 444
Bingham Farms, MI 48025
Telephone: (248) 355-3550
Email: kevinmcheckpc@aol.com

Harold R. Oseff (P18546)
LAW OFFICES OF HAROLD R. OSEFF
PLLC
Attorney for Theodore Richard White, II
2000 Town Center, Suite 1500
Southfield, MI 48075
Telephone: (248) 351-3511
Email: hoseff@osefflaw.com

Jon B. Munger (P54736)
MUNGER & ASSOCIATES, PLLC
Guardian for Clarence Franklin
4545 Clawson Tank Drive, Ste. 100
Clarkston, MI 48346
Telephone: (248) 618-1200
Email: jmunger@jonmungerpllc.com

Juanita Gavin Hughes (P41141)
JUANITA GAVIN HUGHES, PLLC
Attorney for Kecal Franklin
26300 Telegraph Road, Suite 100
Southfield, MI 48033
Telephone: (248) 809-2902
Email: juanitaghughes@yahoo.com

**PETITION FOR INSTRUCTIONS ON VALIDITY AND ADMISSION OF A
PURPORTED HOLOGRAPHIC WILLS AND DISPOSITIVE PROVISIONS**

Petitioner, Sabrina Garrett Owens, Personal Representative of the Estate of Aretha Franklin, a/k/a Aretha Louise Franklin, Deceased ("Estate"), through her attorneys Thav Gross PC and Kevin M. Check, P.C., Petition for Instructions on Validity and Admission of Purported Holographic Wills and Dispositive Provisions, and states as follows:

1. Decedent died on August 16, 2018.
2. Upon information and belief, the Decedent died intestate and after her death a diligent search of her properties was undertaken and no Will was discovered.
3. Upon Application to the Court, Sabrina Garrett Owens was appointed Personal Representative of the Estate on August 31, 2018
4. Since the date of her appointment, the Personal Representative has been marshalling the Estate assets, paying its expenses and negotiating various contracts and agreements for the purpose of increasing the Estate's value, paying its debts, and advancing the legacy of the Decedent.
5. In preparation of Decedent's residence for a personal property appraisal and to protect her personal property, the Personal Representative has been inspecting the home and its contents.
6. On May 3, 2019, the Personal Representative, while continuing her examination of the home, discovered a key to a locked cabinet that she had been previously unable to gain access and open.

5/20/2019

7. Inside the cabinet the Personal Representative found two purported Holographic Wills of the Decedent dated on or about June 21, 2010 and October 20, 2010, copies of which are attached hereto as Exhibit "A" and Exhibit "B".

8. On the same date, the Personal Representative searched underneath the cushions of the coach in the living room and discovered (inside a spiral notebook) another purported Holographic Will dated on or about March 31, 2014, a copy of which is attached hereto as Exhibit "C".

9. Shortly thereafter, the Personal Representative circulated the purported Holographic Wills to all the attorneys of record for the heirs and held a meeting to discuss the same on Thursday May 9, 2019.

10. The heirs, through their counsel, have been unable to reach a resolution with each other as to the admission, validity, and dispositive provisions of the purported Holographic Wills.

11. Counsel for the Personal Representative has reviewed the purported Holographic Wills and is unsure as to whether or not these documents meet the legal requirements to constitute a valid Holographic Will pursuant to MCL 700.2502 nor are they able to sufficiently determine the dispositive terms of those instruments.

12. The Personal Representative, on a daily basis, is actively involved in many continuing projects for the benefit of the Estate, including, but not limited to, various television and movie proposals, as well as dealing with various creditor claims and resulting litigation. (Exhibit "D").

13. Although no formal testacy proceeding has been filed with the Court, Petitioner seeks instructions confirming that other than suspending future distributions to the heirs, her

powers and duties as the previously appointed personal representative continue pursuant to MCL 700.3401(4), or until further Order of this Honorable Court.

14. The names and addresses of the Interested Persons are attached hereto as **Exhibit "E"**.

WHEREFORE, the Personal Representative respectfully requests this Honorable Court for instructions as to the validity and admissibility of the purported Holographic Wills, their dispositive provisions and her authority to continue to carry on her powers and duties as Personal Representative and/or any other Orders the Court may deem fair and just.

WE DECLARE UNDER PENALTIES OF PERJURY THAT THIS PETITION HAS BEEN EXAMINED BY US AND THAT ITS CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF.

Respectfully submitted,

THAV GROSS PC

By: 

David J. Bennett (P10690)

Attorney for the Personal Representative

30150 Telegraph Road, Ste. 444

Bingham Farms, MI 48025

Telephone: (248) 645-1700

Facsimile: (248) 645-8205

Email: dbennett@thavgross.com

KEVIN M. CHECK, P.C.

By: 

Kevin M. Check (P39943)

Co-Counsel for Personal Representative

30150 Telegraph Road, Suite 444

Bingham Farms, MI 48025

Telephone: (248) 355-3550

Email: kevinmcheckpc@aol.com

Dated: May 20, 2019

EXHIBIT D

**(LIST OF PENDING PROJECTS BY WAY OF ILLUSTRATION
BUT NOT LIMITATION)**

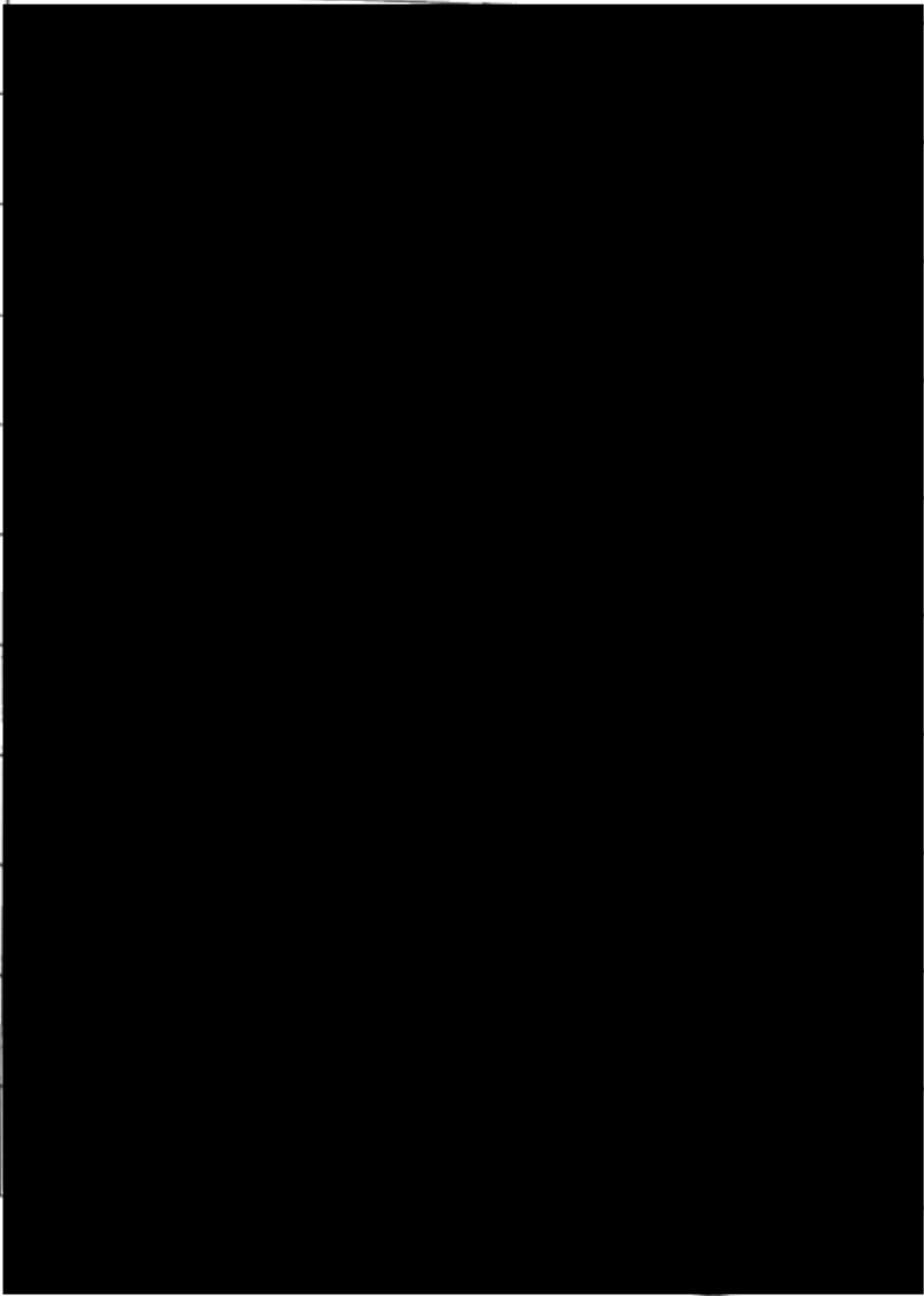
1. Sale of the vacant lot adjoining Ms. Franklin's condominium for \$325,000.
2. Pending negotiations and contract with the television series "Genius".
3. Pending movie contract on a biopic of Ms. Franklin's life.
4. Pending house cleaning, organization and appraisal of the personal property located in the Turtle Pond property and those assets held in storage from Ms. Franklin's apartment and Kiftsgate Bend, along with her automobiles.
5. Pending investigation of the value of Ms. Franklin's music catalog and likeness by Shot Tower.
6. Current litigation in the Oakland County Probate Court filed by Gregory Reed on his disallowed Claim.
7. Current litigation in the Oakland County Circuit Court filed by Over Joy Publishing which was received by this office on May 6, 2019.
8. Claim to be filed by the Estate on the stolen funds from Ms. Franklin's bank account and the forgery of checks directed to Ms. Franklin.
9. Pending investigation relating to the royalty accounts of the Estate with Fourteenth Hour Music.
10. Pending audits by the Internal Revenue Service on Ms. Franklin's income tax returns for 2012 through 2018.
11. Pending Internal Revenue Service audit on Ms. Franklin's 945 tax returns for the tax period of 2010 through 2018.
12. The continuous accounting and bookkeeping required on the Estate's finances, which is performed weekly.
13. Renovation of 4585 Kiftsgate Bend, Bloomfield Hills, Michigan for placement on the multi-list for sale to unknown third-party buyer.

7/20/2019

EXHIBIT E

(Interested Parties)

In the Matter of the Estate of Aretha Franklin, a/k/a Aretha Louise Franklin, Deceased
File No.: 2018-384,527-DE

Clarence Franklin c/o Jon B. Munger	
Edward D. Franklin c/o Craig A. Smith, Esquire	
Edward D. Franklin c/o Lisa Dwyer, Esquire	
Theodore Richard White, II c/o Harold R. Oseff, Esquire	
Kecalf Franklin c/o Juanita Gavin Hughes, Esquire	
Sabrina V. Garrett Owens	
Brenda Corbett	
Carl Ellan Kelley, Deceased	
Jordan Franklin	
Victorie Franklin	
Gracie Franklin, a Minor	

5/24/2019